Amendment to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A latch assembly adapted for use with a vehicle including a tire, the tire having a rim with at least one aperture, the latch assembly comprising, in combination:

a tire carrier having a first flexible member and a winch, the first flexible member having one end attached to the winch and another end detachably attachable to the tire;

a second flexible member having one end and another end, the one end of the second flexible member directly connected to the vehicle and the other end of the second flexible member ~~for~~ connecting to the tire; and

a locking member attached to the second flexible member, the locking member for being disposed in the aperture of the tire to detachably connect to the rim, the locking member is one of a clamp member and a hook member, the locking member and the second flexible member preventing the tire from detaching from the vehicle when the winch fails.

2. (Previously Presented) The latch assembly according to claim 1 wherein the clamp member includes a support plate and a latching member, the support plate having a longitudinal portion, the latching member having a longitudinal section, the clamp member for clamping the rim between the longitudinal portion of the support plate and the longitudinal section of the latching member.

3. (Previously Presented) The latch assembly according to claim 1 wherein the clamp member includes a support plate and a latching member, the support plate being rotatably connected to the latching member.

4. (Previously Presented) The latch assembly according to claim 1 wherein the clamp member includes an eyebolt having a portion attached to the second flexible member, a longitudinal portion disposed in the at least one aperture and a fastener threadably engaged to the longitudinal portion, the fastener and the longitudinal portion for being disposed in the aperture, the fastener for engaging the rim and connecting the rim to the second flexible member.

5. (Previously Presented) The latch assembly according to claim 1 wherein the clamp member includes a wing nut member having a portion connected to the second flexible member, a longitudinal portion with a threaded section disposed in the at least one aperture, the wing nut threadably engaging the threaded section and the latch assembly including a latching plate adjacent the longitudinal portion, the latch assembly adapted to engage the rim.

6. (Previously Presented) The latch assembly according to claim 1 wherein the hook member includes an arcuate portion and lock portion pivotally attached to the arcuate portion, the rim having two apertures, the hook member for being disposed in at least one of the two apertures.

7. (Previously Presented) The latch assembly according to claim 1 wherein the clamp member includes a toggle member having a longitudinal portion, a threaded portion, a base plate

and threaded fastener, the longitudinal portion having a pair of extending wings, the base plate having a portion forming-a plate aperture, the threaded portion being inserted into the plate aperture for sandwiching the rim between the base plate and the pair of wings.

8. (Original) The latch assembly according to claim 1 wherein the first flexible member having a first load carrying capability, the second flexible member having a second load carrying capability, the second load capability being greater than the first load carrying capability.

9. (Canceled)

10. (Previously Presented) The latch assembly according to claim 1 wherein the clamp member including a latch assembly having a rim support plate and a latch member connected to the plate, the rim having a web portion, the clamp member for disposition in the at least one aperture to clamp the web portion between the rim support plate and the latch member.

11. (Previously Presented) A latch assembly adapted for use with a vehicle including a tire having a rim with at least one aperture and a tire carrier having a first flexible member, the latch assembly comprising, in combination:

a second flexible member having one end directly connected to the vehicle and another end; and

a locking member attached to the another end of the second flexible member, the locking member for detachably engaging the rim of the tire.

12. (Previously Presented) The latch assembly according to claim 11 wherein the rim having a portion forming at least a second aperture, the second aperture having one of an elliptical shape, an arcuate shape and a multi-sided shape wherein the locking member detachably engages the rim at the second aperture.

13. (Previously Presented) The latch assembly according to claim 11 wherein the locking member comprises a clamp member which includes one of a latching member, an eye bolt member, a wing nut member and a toggle bolt member.

14. (Previously Presented) The latch assembly according to claim 11 wherein the locking member comprises a clamp member which includes a support plate, and a latching member, the clamp member for disposition in at least one aperture of the tire rim to detachably attach the tire to the flexible member.

15. (Canceled)

16. (Previously Presented) The latch assembly according to claim 11 wherein the rim includes a non-central aperture and the locking member for being disposed in the non-central aperture.

17. (Previously Presented) The latch assembly according to claim 11 wherein the locking member comprises a clamp member for clamping the rim to secure the tire to the vehicle.

18. (Previously Presented) The latch assembly according to claim 11 wherein the locking member comprises a hook member for engaging the rim and for disposition in at least one aperture of the rim to detachably secures the tire to the vehicle.

19. (Previously Presented) The latch assembly according to claim 11 wherein the locking member comprises a clamp member including a support plate and a latching member, the support plate having a least one off-set section, the support plate and the latching member producing an audible signal when the web portion of the rim is clamped between the support plate and the latching member.

20. (Previously Presented) The latch assembly according to claim 11 wherein the rim has a non-central aperture, the locking member comprising a hook member, the hook member being detachably engaged to the rim through the non-central aperture.

21. (Currently Amended) A latch assembly for use with a vehicle including a spare tire, the spare tire having a rim with at least one aperture, the latch assembly comprising, in combination:

a tire carrier having a first flexible member and a winch, the first flexible member having one end attached to the winch and another end detachably connectable to the spare tire;

a locking member for engaging and locking to the rim;

a second flexible member having one end and another end, the one end directly connectable to a the vehicle and the another end connected to the locking member, the locking member for detachably connecting the second flexible member to the rim of the spare tire for

preventing the spare tire from detaching from the vehicle when one of the first flexible member and the winch fails.